

REMARKS

Claim 1 has been amended by specifying that R₂ must contain at least two fluorine atoms, as supported in the preferences on page 2, line 27, on page 3, lines 16-19, 21-24 and the structures below line 25, and on page 4, lines 7, 8, 10 and 11, as well as with minor stylistic and/or grammatical changes for clarity.

Claim 2 has been amended by deleting a definition that does not fit the definition of R₂ from amended Claim 1, and with a minor stylistic change for clarity.

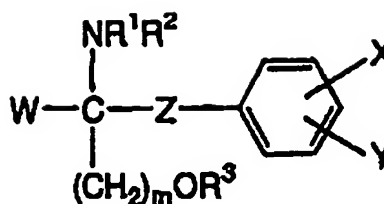
New Claim 20 has been added, claiming the compounds of Example 1, as shown on page 9, lines 15 and 16, Example 6, as shown on page 13, line 8, Example 29, as shown on page 15, lines 30 and 31, and Example 33, as shown on page 17, line 15.

No new matter has been added to the Application as a result of these amendments.

Claims 1, 2, 8-10 and 20 are therefore now currently pending in the instant Application, with a favorable reconsideration of this Application being respectfully requested.

Claims 1, 2 and 8-10 have been rejected under 35USC103(a) as unpatentable insofar as "they read on the species RN=177258-45-6 of WO 9606068".

Published European Patent Application EP0 778 263A1 ('263, believed equivalent to its published International parent, WO 96/06068(A1); Yoshitomi Pharmaceutical Industries, Ltd., with Tetsuro Fujita the first named inventor)



describes benzene compounds of the formula: and
 thirty-seven subgeneric compound sets thereof, including seventy-one named
 such compounds and 747 preferred compounds represented by their chemical
 components, as well as optically-active isomers thereof, racemates,
 diastereomers and salts thereof, particularly pharmaceutically-acceptable salts
 thereof, as well as medicinal compositions, particularly immunosuppressants,
 containing the same, which compounds are said to be useful as
 inhibitors/suppressants of organ or bone marrow transplant rejection, as a
 preventive or remedy for autoimmune diseases and/or inflammatory diseases or
 disorders, such as articular rheumatism, multiple sclerosis, primary biliary
 cirrhosis, type I diabetes mellitus, hemolytic anemia, systemic lupus
 erythematosus, myasthenia gravis, Sjögren's syndrome, uveitis, atopic eczema,
 Behçet's disease, Crohn's disease, glomerulonephritis, ulcerative colitis, and
 Evans' syndrome, as well as aplastic anemia, pollinosis, and other conditions,
 and as an antifungal agent and hair-growth stimulant.

While there are some similarities between some of the '263 compounds
 and those of the instant invention, the compound RN 177258-45-6 contains an
 $\text{H}_3\text{C}-(\text{CH}_2)_6\text{-O}$ group in a position corresponding to the fluorinated moieties of
 Applicants' R_2 . While the Examiner continues to refer to RN 177258-45-6 as "an
 adjacent homolog of [Applicants'] compound", his unsupported conclusion is
 neither clear nor scientifically based. The '263 reference does not disclose the
 specific stereospecificity of the compounds of Applicants formula I* and never
 even suggests halogens in the R_2 substituent equivalent, much less the two
 fluorine atoms in Applicants' R_2 .

Thus, the '263 reference neither discloses nor at all fairly suggests the
 novel and unexpected stereospecific, fluorinated compounds of the instant

invention.


Reconsideration and withdrawal of this rejection is, therefore, respectfully requested.

SUMMARY

In view of Applicants' amendments and arguments, they respectfully believe that all pending Claims, in addition to the recognized allowability of the compound of Example 1, are now in condition for allowance and earnestly solicit such favorable action, with an early Notice of Allowance of the entire Application being issued. If any remaining matters need to be resolved, however, Applicants respectfully request a telephone interview (the undersigned attorney may be contacted at the telephone number set forth below) with the Examiner prior to any adverse action being issued by the Office in response to these arguments, in order to facilitate allowance of the pending Claims.

Respectfully submitted,

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